

WILMERHALE

August 10, 2023

VIA ECF

**Sonal Mehta**

+1 650 600 5051 (t)

+1 650 858 6100 (f)

sonal.mehta@wilmerhale.com

The Honorable James Donato  
United States District Judge for the Northern District of California  
450 Golden Gate Avenue, Courtroom 11, 19th Floor  
San Francisco, CA 94102

Re: *Klein v. Meta Platforms, Inc.*, Case No. 3:20-cv-08570-JD

Dear Judge Donato:

Cognizant of Your Honor's protocol on discovery motions, Meta writes in response to Users' letter brief (Dkt. 633) only because it makes a material omission that has deprived the Court of an accurate understanding of the predicate facts before it decides on next steps in response to Users' letter. Plaintiffs have fully exhausted the 21-hour limit on Rule 30(b)(6) depositions. That exhaustion was not due to any "strategy" on Meta's part; rather, it was entirely the result of Users' failure to keep track of their allotted deposition time and inability to focus their questioning. Users conceded in conversations with Counsel that the reason they ran out of time was that they miscalculated their remaining time (forgetting to count one of the Rule 30(b)(6) depositions they took), but omitted that critical fact from their letter brief. Should the Court permit Users to file a discovery letter brief, *see* June 22, 2023 Hr'g Tr. 4:10-12 ("I'm not going to accept any more discovery letters from anyone. You can ask, you can make a proffer, but you'd be wise not to.") and permit a response from Meta, Meta will address there the reasons that Users should bear the responsibility for their failure to keep track of time, particularly when Meta's employees have already been subjected to well over 200 hours of deposition time in this case.

We will await further instructions from Your Honor and apologize for burdening the Court with this letter.

Respectfully submitted,

By: /s/ Sonal N. Mehta

**WILMER CUTLER PICKERING HALE  
AND DORR LLP**

*Attorney for Defendant Meta Platforms, Inc.*